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ABSTRACT

This lesson plan explores the nature of parental accountability for their children's behavior. The lesson encourages students to explore their individual opinions in this area and learn of specific laws enacted throughout the country; students then work in small legislative groups to draft a bill that accurately reflects their opinions. The lesson plan outlines six objectives for students, suggests possible outside resource persons, and lists necessary materials. The lesson plan presents detailed classroom procedures for the teacher and provides handouts to be sent home for parents. (BT)

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Parental Accountability and Public Policy: Judges in the Classroom, Secondary School Lesson.

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JUDGES IN THE CLASSROOM
Secondary School Lesson

PARENTAL ACCOUNTABILITY AND PUBLIC POLICY

Description of Unit:
This unit explores the nature of parental accountability for their children's behavior. Students explore their individual opinions in this area and learn of specific laws enacted throughout the country. Students then work in small legislative groups to draft a bill that accurately reflects their opinions.

Objectives:
1. Students will identify their personal opinions on the scope of parental responsibility.
2. Students will distinguish between civil liability and criminal liability of parents.
3. Students will identify how Washington law presently holds parents accountable.
4. Students will compare Washington laws to laws of other states.
5. Students will identify advantages and disadvantages of parental accountability laws.
6. Students will draft legislation that embodies their personal views on parental accountability.

Outside Resource Persons:
A lawyer, judge, law student, and a thoughtful parent are all good resource persons to conduct the opinion poll and discuss the issues of parental accountability.

Materials:
Should the Parents Be Responsible Handout
Signs stating: "Strongly Agree," "Agree," "Undecided," "Disagree," "Strongly Disagree"
Trigger Video: Parental Accountability
VCR Player

***Note to teacher**: If you have students stand to show their opinion, you need to post the signs around room prior to class.*

Also note that this lesson is based on the law of Washington State. Users in other states will want to localize the law and procedure before teaching the lesson.

Procedures:

- **Announce that the students** will begin their study of parental accountability by taking an opinion poll. Write the words "parental accountability" on the board and get a definition. Parental accountability means holding a parent responsible or liable for the acts of their children. This includes requiring parents to pay for injuries and damages that their children cause, as well as being penalized by a fine or jail time for their children's behavior.

- **Pass out Should the Parents Be Responsible Handout**, and ask each student to write "SA" for strongly agree, "A" for agree, "D" for disagree, "SD" for strongly disagree, and "U" for undecided beside each of the statements. Inform students that there are no right or wrong answers, and that every opinion is worthwhile, as long as the student can give reasons for that opinion.

- **Ask students** to line up as you call out each question along one side of the room, where you have posted signs for "Strongly Agree," "Agree," "Undecided," "Disagree" and "Strongly Disagree." Students at opposite ends of the continuum should be asked for their reasoning, and to respond to those with whom they disagree.

- **Alternatively, draw a chart** on the board to record students' opinions as they are polled at their seats. Get a hand count first of how many agree with Statement "1.," then how many disagree, and how many are undecided. After the entire chart is completed, go back to the first statement, and ask for students' reasons. Ask those who are undecided what makes it hard for them to decide. Ask one of the students who agrees or disagrees to respond to that difficulty.

- **After students** have provided their arguments and reasoning about each statement, you should inform them of the information provided below about the statements.

  NOTE TO TEACHER: REMEMBER THESE ARE NOT THE ANSWERS, BUT THEY DESCRIBE THE LAW IN SOME JURISDICTIONS TODAY. STUDENTS' OPINIONS ARE ALWAYS RIGHT, PROVIDED STUDENTS CAN GIVE REASONS.

Answers to: "Should the Parents Be Responsible" Handout

1. In Washington, parents are not liable for the negligent acts of their children just because they are the parents. However, if the parents themselves were negligent in some way, they could be liable. As the facts are described, there is no liability on the parents.

2. While some states and communities have now established a fine system for parents when their children commit offenses, Washington does not yet have this for most offenses.

3. In Washington, Bruce's parents would have to pay the $3,000. Parents are liable in a civil action for an amount up to $5,000 when their child willfully or maliciously destroys or defaces property, or willfully and maliciously inflicts personal injury on another person (RCW 4.24.190).

4. This is one of the exceptions to the general rule in Washington that places a penalty on parents for acts of the minor children. This civil shoplifting law gives merchants the right to sue the parents/guardian of unemancipated minors for losses (RCW 4.24.230). The law allows the merchant to recover:
   - a penalty in the amount of the retail value of the stolen merchandise whether or not the merchandise is recovered. The maximum amount that can be recovered from parents or guardians is $500;
   - an additional penalty of not less than $100 and not more than $200; and
   - reasonable costs and attorneys fees.

   In this case, Tiny's parents would have to pay a penalty of $18, an additional penalty of at least $100, and to pay the court costs and attorneys fees of the store, which could run into thousands of dollars. This civil action is in addition to the criminal penalties against the juvenile.

   This law also applies to parents of unemancipated minors who order a meal in a restaurant or other eating place, get some of the food and then leave without paying.

5. Other states, but not Washington, have adopted such laws that would financially penalize parents who do not get involved in their children's education, including attending parent-teacher conferences.

6. Again, other states, but not Washington, require parents to be liable to pay restitution for damages caused by their children. Of course, Tanisha's parents are liable for the willful or malicious acts of their children in a civil suit up to $5,000.

7. Other states, not Washington, have adopted such laws.

8. State laws, including Washington's, make parents liable for the negligent supervision involving a dangerous object. This civil action for damages requires that the parents knew or should have known of the child's tendency or inclination toward activity involving the dangerous object, and failed to take reasonable steps to prevent the danger. Dorianne did not take reasonable steps to prevent her son from having a gun and would be liable.

9. Parents are not liable for the injuries caused by their minor child merely because they are the parents. A five-year old is too young to act in an intentional or malicious way for purposes of the statute placing liability for willful and malicious injuries.

10. To be successful in suing Tamara's parents, the friends' parents would have to prove that Tamara's parents were negligent. Otherwise, they would not be able to collect damages. It is likely that Tamara's parents are liable for negligence in the manner in which they stored the handgun.

- **Introduce the concept of *public policy***, by writing it on the board. Ask students what public policy means. Make sure that students define public policy as what the government decides to do, or not to do, about a problem in the community. It is a plan, or course of action, made by government to address a problem.

- **Ask students** to think about the exercise that they just did about parental accountability. All the laws that applied to those situations are public policy. They are the government's choices about what to do about a problem in the community. Ask students what problem(s) those public policies were addressing. Students should identify that the policies were addressing the problem of damages caused either intentionally or negligently by minor children, who should pay for those damages, and when. When should parents be penalized for the acts of their children?

- **Public policy includes** the decisions made at the local, state, and national level. Most public policy is made through written laws, usually by the legislature. The executive branch of government can also be involved in making public policy. For example, when the president issues an executive order on gays in the military, or on affirmative action in the federal government, the president is making public policy.

- **The courts** also make public policy, because they have the authority to review the laws passed by the legislative bodies or the actions taken by the executive. For example, when the Supreme Court ruled that segregation by race in the schools was unconstitutional, and ordered busing to remedy the problem, the Court was making public policy.

- **Students are** going to have a chance to participate in a mock legislative session to make public policy in this area of parental accountability.

- **Prepare students** for the mock legislative session, indicating that students are going to get to role-play a city council hearing, with some representing council members, police, civil rights activists, community members, family members, and youth.

- **Show** the video to set the stage for the mock hearing.

- **Have students volunteer** to read aloud the Governor's Committee Report Handout, a paragraph at a turn.

- **Have students work** in small groups to discuss and answer the questions. Debrief the small group discussions.

- **Tell students** that the city council in their community is now considering the law contained in the Proposed Law Handout. Next pass out the handout and have students read this law aloud. Go over vocabulary words and probe students for understanding of this law.

- **Give students** this background on the law. Such a law was first adopted in Silverton, Oregon, and later adopted for the whole state of Oregon in 1995. In the first four months that the Silverton ordinance was in force, juvenile crime dropped. It also appeared to have forced parents to keep a closer eye on their children. Of the 12 people first cited under the ordinance, eight received sentences of fines or warnings, or required attendance at classes. Variations of the Silverton ordinance are being considered in hundreds of cities around the nation, part of a movement that holds that poor parental supervision is at the core of juvenile crime.

- **Divide class** into groups, depending upon the number of witnesses to testify. The council should be composed of at least five members if possible. Eight possible witness roles have been drafted:

  - a police chief who supports the program,
  - a director of a daycare center to argue for adopting the program,
  - a law professor who opposes the program,
  - ACLU which opposes the program,
  - a parent who supports the program,
  - a parent who opposes the program,
  - a young person who supports the program, and
    a young person who opposes the program.

Note to teacher: feel free to assign any or all of the roles, or to let students create additional roles.

- **If possible, assign** a group of students to each witness role to work together to develop the key points to be made. Each role description has some points, but students are encouraged to go further.

- **If possible, use outside resource persons** to meet with witnesses to help them shape their testimony. For example, use a police chief or officer to work with the police, a daycare worker/operator to work with the day care persons, etc.

- **Give each group** 20 minutes to prepare their roles. Each group should decide on their spokesperson(s), one or two per side. Each will have up to five minutes to make a presentation.

- **Work with the city council members**. Have them elect a chair to run the meeting. In addition, one council member should take the task of timing the presentations, five minutes each. The council members will develop at least three questions for each presenter. Tell the chair that he/she should follow the format for the meeting and call for a vote whether to adopt program. The chair should make sure that each person on the council asks at least one question during the hearing.

- **While the groups are preparing**, set up the tables so that the council members can face the class. The presenters should stand and face the council.

- **Conduct the council**. Have council members discuss aloud, vote, and give their reasons.

- **Debrief** by asking students how it felt to play their roles. If outside resource persons were involved, get them to share their feelings about the proposed law. What suggestions do they have to reduce youth crime?

- **Inform students** that the roles they played are based on real people who were involved in the Silverton, Oregon law. One woman who was cited under the law has filed a lawsuit challenging the constitutionality of the law. The ACLU is supporting the lawsuit.

- **Conclude the class** by discussing ways that they can influence public policy in their communities.

"Should the Parents Be Responsible" Handout

Opinion Poll: Write "SA" for Strongly Agree, "A" for Agree, "D" for Disagree, "SD" for Strongly Disagree, or "U" for Undecided next to each of the statements. There are no right or wrong answers, every opinion is good when you can give reasons for that opinion.

_____1 Midori, a 15-year-old, cooked some macaroni with some girl friends. She accidentally poured the boiling water onto the back of one of her friends. Her friend was hospitalized for over a month, had skin grafts and will be permanently scarred. Midori's parents are liable for these injuries.

_____2. Bruce, who is 14 years old, is caught painting graffiti on a downtown store. His parents should have to pay a fine of up to $2,500.

_____3. Bruce's parents should also have to pay the owners of the downtown store the $3,000 it will take to clean and repaint the store.

_____4. Tiny, who is 14 years old, shoplifts an $18 CD from a music store. Tiny's parents should have to pay a fine.

_____5 Phoung's parents failed to attend a parent-teacher conference. They knew of the meeting and had no good reason to miss it. Phong's parents should be fined up to $1,000.

_____6. Tanisha stole the Peterson's van. She wrecked it and caused $8,500 in damages. Tanisha's parents should be ordered to pay restitution to the Peterson's at Tanisha's sentencing hearing.

_____7. Parents of any child under 15 who breaks the law should be liable for a fine of up to $1,000 for failure to supervise a child.

_____8. Mighty T was fascinated by handguns. Dorianne, his mother, heard him bragging about having a handgun to a friend on the telephone. The mother told her son not to have anything to do with guns. The next day her son shot a student from school. The student will be paralyzed for life. Dorianne should be liable for the $2 million dollars in medical costs, plus pain and suffering for the student.

_____9. Ibba, a 5-year-old child, intentionally swung a motel door with great force against the hand of a motel employee, breaking three fingers. The parent should be liable for the injuries.

_____10. Tamara, a 13-year-old, took a loaded pistol from under her mother's pillow and accidentally shot her friend who was visiting. Tamara's parents should be liable for her friend's injuries.

Governors' Committee Report Handout

Data on Juvenile Arrests and Confinement in State Facilities[1]

Arrests

Although approximately six percent of all juvenile arrests are for violent offenses, the arrest rate for violent offenses almost doubled in the last ten years. The 3,252 arrests of juveniles for violent offenses in 1993 is the highest number recorded since the Governor's Juvenile Justice Advisory Committee began collecting and analyzing such data—with:

- *33 arrests for murder or manslaughter;*
- *237 arrests for rape;*
- *2,264 arrests for aggravated assault; and*
- *718 arrests for robbery.*

Confinement in State Facilities

The county juvenile courts commit the most serious offenders to JRA (Juvenile Rehabilitation Administration). With rare exception, youth committed to JRA have been adjudicated for at least one violent offense. The JRA population in all residential programs from January 1988 to January 1989 was approximately 730. By July 1994, the population increased to about 1,218.

In the last six years, the profile of youth sent to JRA has seen several changes. Major population trends in the last six years include:

- *28 percent increase in the number of violent offenders;*
- *22 percent increase in the number of sex offenders;*
- *300 percent increase in the number of drug offenders (there has been a 28 percent decrease over the last three years);*
- *19 percent increase in the female population; and*
- *45 percent increase in the proportion of JRA population who are youth of color.*

Questions

1. Describe what is happening in Washington State in the area of violent crime committed by juveniles.

2. Why do you think this is happening?

[1] Governor's Juvenile Justice Advisory Committee's 1994 Juvenile Justice Report. It has the most recent information available on arrest and confinement in Washington.

Proposed Law
Handout

Proposed Law: Holding Parents Accountable

Legislative Purpose: In recognition that poor parental supervision is at the core of juvenile crime, this community adopts a parental accountability law to legislate stronger, more disciplinary parents.

Any parent whose minor child commits any offense is subject to a civil penalty.

The judge has the discretion of fining a parent up to $1,000, making the parent pay restitution of up to $2,500, sending the parent to classes on parenting, or alcohol or drug abuse, or issuing a warning.

Steps in the Legislative Hearing

1. Chairperson calls the meeting to order. "The City Council meeting is hereby called to order. Today we are considering whether to adopt a law to impose a fine, restitution, classes on parents whose child has committed an offense."

2. Call each of the speakers and have a council member time each presentation (5 minutes).

3. After each presentation, the council members may question each speaker, making sure that each member of the council asks at least one question during the hearing.

4. Once the speakers have finished, talk aloud among the council members whether to adopt the program. Take a vote, majority rules, on whether or not to adopt the program.

5. The hearing is over after the vote.

Names of Persons in this Group:

_____ _____ _____

Police Chief, Supports Proposed Law:

This law will help our community reduce juvenile crime. As we know from our neighbors in Oregon, juvenile crime dropped in the first four months that this law was in effect. It also has forced parents to keep a closer eye on their children.

We're not telling people how to be parents. We're just giving them a tool to become better parents, trying to get at some of the parental apathy and neglect. This law will help make sure that parents know what their children are up to at all times.

This law is intended mainly for the parents of habitual juvenile offenders. The other day I brought a kid in here for shoplifting. What does the father do when he came in? He chews the kid out for getting caught, not for what he did. With this law, I can cite him as well.

1. Find all the arguments in the chief's statement. Think of other reasons why this police chief might support this law.

2. List all the arguments and reasons for adopting the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

Daycare Operator, Supports Proposed Law:

I am very much in favor of this program. Too many times I've heard parents say they can't do anything about their problem child—and this may be a kid who is only seven years old.

Parents have to be responsible for their kids. I would judge this law a success if it forces parents to get more involved in their children's lives.

1. Find all the arguments in the daycare operator's statement. Think of other reasons why this person might support this law.

2. List all the arguments and reasons for adopting the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

Law Professor, Opposes Proposed Law:

I am a professor of family law in this state. This type of law has been on the books in many states for a long time. Parents could be cited for failure to reasonably care for a child. However, in those cases, prosecutors had to prove that a parent or guardian was in some way responsible for a child's behavior.

This law goes much further, holding a parent responsible for a child's offense no matter how closely the child might have been supervised. Under this law, if a child commits an offense, the parent can be cited.

There is a legal debate on whether you can punish someone simply for being a parent, which is what this law does. There is a long line of cases holding parents accountable for a child's civil damages, like a broken window or smashed car. But, those laws only deal with financial compensation. What they are trying to do here is use the power of the state to make parents shape up. I'm really skeptical that it will work. For these reasons, I oppose the law.

1. Find all the arguments in the law professor's statement. Think of other reasons why this person might be against this law.

2. List all the arguments and reasons for opposing the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

American Civil Liberties Union Representative, Opposes Proposed Law:

I represent the American Civil Liberties Union, an organization with a strong history of fighting to protect civil rights. Our organization very much opposes this law. We believe that it is unconstitutional to haul a person into court for an offense that someone else has committed. If this law is passed, we will support a challenge to the law's constitutionality.

1. Find all the arguments in the ACLU statement. Think of other reasons why this organization might be against this law.

2. List all the arguments and reasons for opposing the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

Parent, Supports Proposed Law:

I guess that I support the law. I have some questions about how much the government is involved with parents. However, it does give you an incentive to be a good parent.

1. Find all the arguments in the parent's statement. Think of other reasons why this person might support this law.

2. List all the arguments and reasons for adopting the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

Parent, Opposes Proposed Law:

I am against this program. Years ago, my child was in trouble, arrested for drug use. But I worked it out with "tough love," taking a hard disciplinary approach coupled with parental affection.

Hauling me into court would not have made a difference.

I am also concerned that it will unfairly burden single parents.

1. Find all the arguments in the parent's statement. Think of other reasons why this person might oppose this law.

2. List all the arguments and reasons for opposing the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

Minor, Supports Proposed Law:

This is a good idea. I see lots of my friends whose parents couldn't care one way or another what is happening to their kids. I'm lucky, my parents care for me. But some kids, their parents are into drugs and alcohol and just want the kids to leave them alone. Someone's got to care for these kids.

This law won't really solve very much, but at least it's a start to get these parents to pay attention to their kids.

1. Find all the arguments in the minor's statement. Think of other reasons why this person might support this law.

2. List all the arguments and reasons for adopting the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.

Names of Persons in this Group:

_____ _____ _____

Minor, Opposes Proposed Law:

This law is unfair. You can believe that my behavior is not going to be different because the government might cite my parents. But if my parent got hauled into court for what I did, that just wouldn't be fair.

1. Find all the arguments in the minor's statement. Think of other reasons why this person might oppose this law.

2. List all the arguments and reasons for opposing the program.

3. Decide who from your group will make these arguments to the council. You will have five minutes. If you pick two people, decide who will make what arguments.

4. The council members will ask you questions about the program. Answer the questions from the point of view of this person.